

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMILY ANN SVOBODA,

Defendant.

CR 24-08-M-DWM-3

ORDER

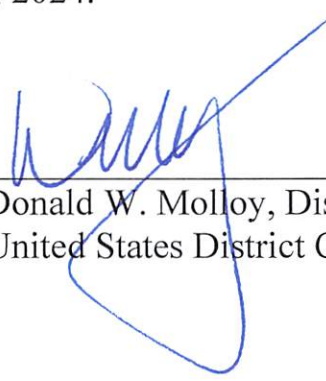
Pursuant to 18 U.S.C. § 4241, Svoboda was committed to the custody of the Attorney General for placement at a suitable federal facility to undergo psychiatric or psychological evaluation. (Doc. 107.) A forensic evaluation of Svoboda was conducted by Dr. G. Todd, a clinical forensic psychologist at the Metropolitan Detention Center, Los Angeles, and received by the Court on October 17, 2024. (Doc. 144.) In the forensic evaluation report, Dr. Todd finds that Svoboda does not currently suffer from a mental disease or defect that would preclude her from proceeding to trial. (*Id.* at 9.) Further, it is his clinical opinion that Svoboda is able to understand the nature and consequences of the proceedings against her and assist properly in her defense. (*Id.*) Svoboda had also been evaluated in July 2024 by Dr. Michael Scolatti, a licensed clinical psychologist, in Missoula, Montana.

(Doc. 104.) Dr. Scolatti's opinion was arguably inconclusive, which resulted in Svoboda being committed for additional evaluation. (Docs. 104, 107.)

A hearing to determine the competency of Svoboda was held on October 24, 2024. Based on colloquy with Svoboda's counsel and the government during that hearing, Dr. Todd's forensic evaluation report, and Dr. Scolatti's psychological evaluation, the Court finds Svoboda to be mentally competent to stand trial. *See* 18 U.S.C. § 4241(d). The government has demonstrated by a preponderance of the evidence, *United States v. Hoskie*, 950 F.2d 1388, 1392 (9th Cir. 1991), that Svoboda is not "presently suffering from a mental disease or defect rendering h[er] mentally incompetent to the extent that [s]he is unable to understand the nature and consequences of the proceedings against h[er] or to assist properly in h[er] defense." *See* 18 U.S.C. § 4241(d).

Accordingly, having found Defendant Svoboda competent pursuant to 18 U.S.C. § 4241, IT IS ORDERED that this matter shall proceed to trial. A scheduling order shall be entered separately.

DATED this 24th day of October, 2024.



Donald W. Molloy, District Judge
United States District Court